

EXHIBIT F

CONFIDENTIAL - Sarah O'Brien - 6/5/2019

Page 1

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TESLA, INC., a Delaware)
corporation,)
)
Plaintiff,)
)
v.) Case No.
) 3:18-cv-00296-LRH-CBC
MARTIN TRIPP, an)
individual,)
)
Defendant.)
)

MARTIN TRIPP, an)
individual,)
)
Counterclaimant,)
)
v.)
)
TESLA, INC., a Delaware)
corporation,)
)
Counterdefendant,)
)

CONFIDENTIAL

Videotaped Deposition of Sarah O'Brien
Menlo Park, California
Wednesday, June 5, 2019

Michael P. Hensley, RDR, CSR No. 14114

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1 Would the reporter please swear in the witness.

2 MR. MITCHELL: Great.

3 SARAH O'BRIEN,

4 having been first duly sworn, was examined and testified
5 as follows:

6 EXAMINATION

7 | BY MR. MITCHELL:

8 Q. Good morning, Ms. O'Brien -- or good afternoon,
9 I should say. I'm Robert Mitchell of Tiffany & Bosco
10 law firm in Phoenix, Arizona, and we represent Martin
11 Tripp in a -- in litigation he has pending with Tesla.

12 Let me begin by asking you have you ever had
13 your deposition taken before?

14 A. No.

15 Q. Well, let me go over just some of the -- the --
16 the ground rules, if you may, so that we can understand
17 one another. First of all, you are going to be asked a
18 series of questions here today and -- and expected to
19 answer. And it's important for you to realize that your
20 testimony is subject to the same penalties of perjury as
21 if you were in a court of law.

22 Do you understand that?

23 A. I do.

24 Q. All right. And it's -- and it's important for
25 you to testify truthfully to the best of your ability.

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1 to continue to release Mr. Tripp's name without having
2 had the sheriff's office complete the investigation that
3 determined if there really was any threat?

4 A. I -- I didn't because the name had already been
5 released.

6 Q. And it had already been released by Mr. Musk;
7 correct?

8 A. Yes.

9 Q. This statement that we've been talking about
10 attributed to the Tesla spokesperson, as you sit here
11 today, is Tesla's official statement 100 percent true
12 and accurate in your belief?

13 A. It's -- I believe it's accurate.

14 Q. In every respect?

15 A. The part on "shooting the place up," in
16 quotation marks, I believe, after -- I believe, after
17 that statement was issued, it was confirmed that those
18 exact words in those parentheses weren't word by word
19 exactly what was said. But I still feel that the --
20 that the tone of the statement and actually what the
21 statement is conveying is correct.

22 Q. Let me ask you this: If you had become aware
23 that the sheriff's department had concluded there was no
24 threat posed by Mr. Tripp, would you have then felt
25 comfortable releasing the "attributed to Tesla

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1 spokesperson" statement that you did?

2 MS. LIBEU: Objection. Vague and incomplete hypothetical.

3 THE WITNESS: Oh, so you mean beforehand?

4 Because the sheriff's department did issue a statement
5 saying that on the --

6 BY MR. MITCHELL:

7 Q. My -- my question is if you had been aware that
8 the sheriff's office had determined that Mr. Tripp was
9 no threat to anyone at Tesla, would you have
10 nevertheless released that assignment?

11 MS. LIBEU: Objection. Assumes facts not in
12 evidence and incomplete hypothetical.

13 You can still answer.

14 THE WITNESS: Probably parts of it. Because a
15 phone call was still made. From -- the information I
16 had received from -- from the security team was -- was
17 credible. Like, I can actually remember, on the day,
18 being -- you know, genuinely being concerned.

19
20 BY MR. MITCHELL:

21 Q. Let me ask you this: As a communications
22 professional, does -- would you agree with me that, if
23 it turned out as it did, that Mr. Tripp was no threat to
24 anyone at Tesla, such a statement nevertheless is a very
25 harmful statement to make about a person?

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1 BY MR. MITCHELL:

2 Q. Ms. O'Brien, here's another email, marked
3 Exhibit 17, that is your email -- the first email is
4 dated Thursday, June 21, 2018, at 9:54 P.M. So it would
5 have been relatively late the evening -- the day after
6 the alleged phone call.

7 And you say, to two members on your team,
8 "Elon's annoyed that our talking points aren't" -- it
9 appears to be an incomplete sentence.

10 What -- what were you communicating?

11 A. I can't remember. But I'd -- I'd assume that
12 it's something along the lines of that they're not --
13 our talking points aren't cutting through.

14 Q. And -- and -- and what talking points were --
15 was the subject of this concern?

16 A. The background points.

17 Q. And -- and specifically what background points?

18 A. The ones in Exhibit 1.

19 Q. Okay. And so -- so none of the background
20 points were coming out in the press, and that's a
21 concern to you?

22 A. Yes. It would have been.

23 Q. And it was a concern to Elon as well?

24 A. It -- from -- from looking at this, it seems
25 like, yes.

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1 Q. And -- and yet in another email dated June 21st
2 at 9:36 P.M., you wrote "Yeah. He wants us to go much
3 harder with pushing our points. He wants us to email
4 all media that cover Tesla the talking points we drafted
5 last night."

6 Are -- are you referring to Mr. Musk there
7 again?

8 A. Yes.

9 Q. Now, these various detailed emails we've been
10 looking at that you've authored, concerning your
11 communications with Musk, do they refresh your
12 recollection as to any of these communications you had
13 with Mr. Musk?

14 A. This -- the -- the email and just sort of
15 knowing how we worked does, but I can't remember the
16 specifics of that conversation. So -- so just -- just
17 to kind of give you more context, the -- the talking
18 points that we had here -- so, like, the background
19 points -- the trouble that we were -- because they were
20 on background, you know, media just -- unless you put
21 all of this stuff on the record, media are going to
22 selectively use what they want, which is why we were
23 sort of saying do we -- do we put this into a blog so we
24 have some sort of public record where people are going
25 to use everything?

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1 THE VIDEOGRAPHER: We are back on the record at
2 approximately 8:07 P.M.

3 MR. MITCHELL: Would you mark this, please.

4 THE REPORTER: This will be 19.

5 (Exhibit 19 was marked for identification.)

6 BY MR. MITCHELL:

7 Q. Ms. O'Brien, I've handed you what's been marked
8 as Exhibit Number 19. I'm really only interested in
9 what's on the first page. There's an email from
10 Ms. Wong to you, on June 21, 2018, at 9:24 A.M. So this
11 is the morning following your press release on behalf of
12 Tesla, to the press.

13 And Ms. Wong says "Hi, Sarah. Checking in again
14 to see if you can provide any details on this phone call
15 from a friend of Tripp about a shooting threat at the
16 Gigafactory. The sheriff's department has determined
17 that there was," quote, "'no credible threat,'" end of
18 quote. Does Tesla know who made the call," end -- and a
19 question mark.

20 Do you see that?

21 A. I do.

22 Q. Do you recall this email?

23 A. I don't, but this -- it was sent because my --
24 my name is there.

25 Q. Does this help refresh your recollection that,

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1 when I was talking to you about an email that was after
2 this time on June 21st, that by this point someone had
3 told you that the sheriff's department had determined
4 there was, quote, "no credible threat," end of quote?

5 A. They must -- they must have done.

6 Q. Does this email refresh your recollection as to
7 anything you might have done, when presented this
8 information, to attempt to verify what the nature of the
9 sheriff's conclusions were?

10 MS. LIBEU: Objection. Vague and ambiguous.

11 THE WITNESS: By this point I -- I would have
12 just been getting information from the security team,
13 but I can't -- I can't remember the details.

14 BY MR. MITCHELL:

15 Q. All right. I -- I -- again, I don't want you to
16 guess or assume or speculate what might have been. I --
17 I want to try to ascertain what the facts were. And, if
18 you don't know, that's okay to say I don't know.

19 Let me ask you it this way: Once you got this
20 information, did you reach out to the security team?

21 A. I don't know.

22 Q. Did -- once you got this information, did you
23 reach out to the sheriff's department?

24 A. I can't remember.

25 Q. Once you received this information, did you ask

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1 MR. MITCHELL: I have no objection.

2 MS. LIBEU: I think we can all go off.

3 THE VIDEOGRAPHER: This concludes today's
4 deposition of Sarah O'Brien. We are going off the
5 record at approximately 9:40 P.M.

6 (Deposition concluded at 9:40 P.M.)

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EXHIBIT 7

O'Brien

6/5/2019

Reported by: Michael P Hensley
CSR 14114, RDR

From: Sarah O'Brien
Sent: Wednesday, June 20, 2018 6:57 PM
To: Sam Teller
Cc: Todd Maroh
Subject: Fwd: Query re: Martin Tripp and your emails

If you can help me make him stop - that'd be great

Begin forwarded message:

From: Elon Musk <erm@tesla.com>
Subject: Re: Query re: Martin Tripp and your emails
Date: June 20, 2018 at 6:56:40 PM PDT
To: Julia Wong <julia.wong@theguardian.com>
Cc: Dave Arnold <dwarnold@tesla.com>, Press <press@tesla.com>, Sarah O'Brien <sobrien@tesla.com>

He initiated the email exchange this morning at 8:57am. I certainly would not have initiated contact, nor would I even know his personal email address, and it was probably unwise for me to have responded. This is what he sent:

From: Marty Tripp <martytripp@icloud.com>
Date: June 20, 2018 at 8:57:29 AM PDT
To: Elon Musk
Subject: Termination/Lawsuit

Don't worry, you have what's coming to you for the lies you have told to the public and investors.

On Jun 20, 2018, at 6:16 PM, Julia Wong <julia.wong@theguardian.com> wrote:

Hi Elon,

I am very concerned at the idea that there has been a threat made against Tesla or workers at the Gigafactory, and I hope that you all are safe. I would like to know more about this call. Can you tell me who received this phone call? Did the tipster identify themselves by name? Or just as a friend of Tripp's? Did the threat seem credible? Can you tell me which law enforcement agency you alerted and the name of the officer you spoke with?

Tripp says that you emailed him first, at his personal account, and called him an awful person, and that his response, that you "have what's coming to you" was not intended as a threat. If this is untrue and he emailed you first, please let me know.

Thanks,

Julia

On Wed, Jun 20, 2018 at 5:29 PM, Elon Musk <erm@tesla.com> wrote:
Tripp sent me a threatening email this morning. Below is the exchange. I was just told that we received a call at the Gigafactory that he was going to come back and shoot people. The police have been alerted and we have posted additional security. Our comms team can fill you in.

----- Original message -----

From: Elon Musk <erm@tesla.com>
Date: 6/20/18 5:17 PM (GMT-08:00)
To: Todd Maron <todd@tesla.com>, Sarah O'Brien <sobrien@tesla.com>
Cc: EMDesk <emdesk@tesla.com>
Subject: Re: Termination/Lawsuit

Meant to say "no injuries"

On Jun 20, 2018, at 5:16 PM, Elon Musk <erm@tesla.com> wrote:

Begin forwarded message:

From: Elon Musk <erm@tesla.com>
Date: June 20, 2018 at 10:28:06 AM PDT
To: Marty Tripp <martytripp@icloud.com>
Subject: Re: Termination/Lawsuit

There are literally injuries with Model 3. It is by far the safest car in the world for any midsize vehicle. And of course a company with

billions of dollars in product is going to have millions of dollars in scrap. This is not news.

However, betraying your word of honor, breaking the deal you had when Tesla gave you a job and framing your colleagues are wrong and some come with legal penalties. So it goes. Be well.

On Jun 20, 2018, at
10:03 AM, Marty
Tripp
martytripp@icloud.com wrote:

I NEVER ‘framed’ anyone else or even insinuated anyone else as being involved in my production of documents of your MILLIONS OF DOLLARS OF WASTE, Safety concerns, lying to investors/the WORLD.

Putting cars on the road with safety issues is being a horrible human being!

On
Jun

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10:00
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Elon
Musk
<erm
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a.com
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On Jun 20, 2018, at 4:38 PM, Julia Wong <julia.wong@theguardian.com> wrote:

Hi Elon,

The Guardian is planning to publish an article shortly about Tesla's lawsuit against Martin Tripp. Tripp has acknowledged to the Guardian that he was a source for a Business Insider reporter, but denies any implication that he was a saboteur, or that he hacked Tesla's MOS. Instead, Tripp claims that he went to the media after making numerous attempts to raise concerns about excess NCM, scrap, and other issues like punctured batteries, and being ignored.

Do you or Tesla want to comment on Tripp's claim that he was acting as a whistleblower?

And do you want to add any comment to the emails you sent to Tripp's personal account today, calling him a "horrible human being", among other things. Why did you decide to email Tripp after you had already fired and sued him?

Feel free to give me a call at 646-935-9101 if you'd like to discuss anything by phone.

Thanks,

Julia

--
Julia Carrie Wong

Reporter
Guardian News & Media

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EXHIBIT 17

O'Brien

6/5/2019

Reported by: Michael P Hensley
CSR 14114, RDR

From: Sarah O'Brien
Sent: Thursday, June 21, 2018 9:54 PM
To: Gina Antonini
Cc: Dave Arnold
Subject: Re: Hi from Washington Post

But Elon's annoyed that our talking points aren't

On Jun 21, 2018, at 9:41 PM, Gina Antonini <gantonini@tesla.com> wrote:

I can put the list together now. To Dave's point, Vanity Fair never gives us any slack and the interest in this has fizzled down. I know you both know this, but the stories aren't swinging in our favor because of the name calling by E in the email.

On Jun 21, 2018, at 9:36 PM, Sarah O'Brien <sobrien@tesla.com> wrote:

Yeah - he wants us to go much harder with pushing our points.

He wants us to email all media that cover Tesla.

- The talking points we drafted last night
- Our statement
- The emails from employees

Can you start pulling together a list of who the right media

On Jun 21, 2018, at 9:26 PM, Dave Arnold
<dwarnold@tesla.com> wrote:

Here's the latest.

From: Dave Arnold
Sent: Thursday, June 21, 2018 1:52:40 PM
To: Harwell, Drew; Gina Antonini
Cc: Sarah O'Brien
Subject: RE: Hi from Washington Post

We have nothing further to add at this point, thanks Drew.

From: Harwell, Drew <Drew.Harwell@washpost.com>
Sent: Thursday, June 21, 2018 10:51 AM
To: Dave Arnold <dwarnold@tesla.com>; Gina Antonini
<gantonini@tesla.com>
Cc: Sarah O'Brien <sobrien@tesla.com>
Subject: Re: Hi from Washington Post

Hi all -

Any thoughts on the latest from the sheriff's office? We're also getting questions about who originally reported the potential threat: Can you share anything about that person? Tripp told Ars Technica that he "absolutely" believed that Elon Musk himself has made up the allegation: Any comment? Thanks again.

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Dave Arnold <dwarnold@tesla.com>
Sent: Thursday, June 21, 2018 11:49:35 AM
To: Harwell, Drew; Gina Antonini
Cc: Sarah O'Brien
Subject: RE: Hi from Washington Post

Yes.

From: Harwell, Drew <Drew.Harwell@washpost.com>
Sent: Thursday, June 21, 2018 8:49 AM
To: Dave Arnold <dwarnold@tesla.com>; Gina Antonini <gantonini@tesla.com>
Cc: Sarah O'Brien <sobrien@tesla.com>
Subject: Re: Hi from Washington Post

Ok if I say the emails were confirmed by Tesla?

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Dave Arnold <dwarnold@tesla.com>
Sent: Thursday, June 21, 2018 11:44:17 AM
To: Harwell, Drew; Gina Antonini
Cc: Sarah O'Brien
Subject: RE: Hi from Washington Post

Ok, below is the entire email exchange once more so you have it. I know you'd emailed Elon about whether he had concerns about safety, though I think that was before we were in touch yesterday, so I trust this makes all of that clear:

----- Original message -----

From: Elon Musk
Date: 6/20/18 5:17 PM (GMT-08:00)
To: Todd Maron, Sarah O'Brien
Cc: EMDesk
Subject: Re: Termination/Lawsuit

Meant to say "no injuries"

On Jun 20, 2018, at 5:16 PM, Elon Musk wrote:

Begin forwarded message:

From: Elon Musk

Date: June 20, 2018 at 10:28:06 AM PDT

To: Marty Tripp

Subject: Re: Termination/Lawsuit

There are literally injuries with Model 3. It is by far the safest car in the world for any midsize vehicle. And of course a company with billions of dollars in product is going to have millions of dollars in scrap. This is not news.

However, betraying your word of honor, breaking the deal you had when Tesla gave you a job and framing your colleagues are wrong and some come with legal penalties. So it goes. Be well.

On Jun 20, 2018, at 10:03 AM, Marty Tripp wrote:

I NEVER 'framed' anyone else or even insinuated anyone else as being involved in my production of documents of your MILLIONS OF DOLLARS OF WASTE, Safety concerns, lying to investors/the WORLD.

Putting cars on the road with safety issues is being a horrible human being!

On Jun 20, 2018, at 10:00 AM, Elon Musk wrote:

You should ashamed of yourself for framing other people. You're a horrible human being.

On Jun 20, 2018, at 9:59 AM, Marty Tripp wrote:

I never made a threat. I simply told you that you have what's coming.

Thank you for this gift!!!!

On Jun 20, 2018, at 9:42 AM, Elon Musk wrote:

Threatening me only makes it worse for you

From: Marty Tripp

Date: June 20, 2018 at 8:57:29 AM PDT

To: Elon Musk
Subject: Termination/Lawsuit

Don't worry, you have what's coming to you for the lies you have told to the public and investors.

From: Harwell, Drew <Drew.Harwell@washpost.com>
Sent: Thursday, June 21, 2018 8:10 AM
To: Dave Arnold <dwarnold@tesla.com>; Gina Antonini <gantonini@tesla.com>
Cc: Sarah O'Brien <sobrien@tesla.com>
Subject: Re: Hi from Washington Post

Hey Dave -

Morning, and thanks for your help last night during a busy time. Trying to get Storey County sheriff's on the line so we can get the truth out about the Gigafactory threat. Anything more we should know for now?

We're also planning to run the email chain to clarify for people what was said when. I totally understand if you want to stay off-record; the issue with that is we don't have the recent "[no] injuries" fix email up top that clarifies Elon's very important point. Could we confirm the chain on the record with you, or go on record with some confirmation of that email / those emails? Feel free to call if it's easier, since it's a little complicated. Want to get this right. Please keep in touch and I'll do the same. Thanks again.

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Harwell, Drew
Sent: Thursday, June 21, 2018 12:26:22 AM
To: Dave Arnold; Gina Antonini
Cc: Sarah O'Brien
Subject: Re: Hi from Washington Post

Thanks, that's helpful. Know you all are under a time crunch too and really appreciate the help. (Hopeful we can work on a story together soon without the damn tight deadlines!) We're not running the full email chain yet, just excerpts, though that could change tomorrow depending on what we're able to report out. I'm hoping to hear back from law enforcement in the morning to confirm a few things on that end, so hopefully we can publish that as well. Will keep you updated. And please feel free to reach out any time.

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Dave Arnold <dwarnold@tesla.com>
Sent: Thursday, June 21, 2018 12:20 AM
To: Harwell, Drew; Gina Antonini
Cc: Sarah O'Brien
Subject: Re: Hi from Washington Post

Hi Drew - I get it, and I know you're under a time crunch. All off the record: everything was unchanged, though I removed email addresses and there should have been the word "no" in brackets in the first sentence of Elon's first email, though I'm not sure if the formatting is coming through (again, I'm sending from my phone, so I'm sorry if it looks weird). I've repasted everything, along with one additional email below so you can see why the brackets were in there. Again, all off the record:

From: Elon Musk
Date: 6/20/18 5:17 PM (GMT-08:00)
To: Todd Maron, Sarah O'Brien
Cc: EMDesk
Subject: Re: Termination/Lawsuit

Meant to say "no injuries"

On Jun 20, 2018, at 5:16 PM, Elon Musk wrote:

Begin forwarded message:

From: Elon Musk
Date: June 20, 2018 at 10:28:06 AM PDT
To: Marty Tripp
Subject: Re: Termination/Lawsuit

There are literally [no] injuries with Model 3. It is by far the safest car in the world for any midsize vehicle. And of course a company with billions of dollars in product is going to have millions of dollars in scrap. This is not news.

However, betraying your word of honor, breaking the deal you had when Tesla gave you a job and framing your colleagues are wrong and some come with legal penalties. So it goes. Be well.

On Jun 20, 2018, at 10:03 AM, Marty Tripp wrote:

I NEVER 'framed' anyone else or even insinuated anyone else as being involved in my production of documents of your MILLIONS OF DOLLARS OF WASTE, Safety concerns, lying to investors/the WORLD.

Putting cars on the road with safety issues is being a horrible human being!

On Jun 20, 2018, at 10:00 AM, Elon Musk wrote:

You should ashamed of yourself for framing other people. You're a horrible human being.

On Jun 20, 2018, at 9:59 AM, Marty Tripp wrote:

I never made a threat. I simply told you that you have what's coming.

Thank you for this gift!!!!

On Jun 20, 2018, at 9:42 AM, Elon Musk wrote:

Threatening me only makes it worse for you

From: Marty Tripp
Date: June 20, 2018 at 8:57:29 AM PDT
To: Elon Musk
Subject: Termination/Lawsuit

Don't worry, you have what's coming to you for the lies you have told to the public and investors.

From: Harwell, Drew <Drew.Harwell@washpost.com>
Sent: Wednesday, June 20, 2018 8:43:31 PM
To: Dave Arnold; Gina Antonini
Cc: Sarah O'Brien
Subject: Re: Hi from Washington Post

I really would have wanted to give you all (and us!) more time, but this is a fast-moving story and I'm looping you in as quickly as I can. We were provided the emails shortly before your response. I do see Tripp's comments about Musk getting what he deserves and Musk saying, "You're a horible human being," so we'll be reporting those comments. I also see some slight discrepancies between the two emails we've been provided; were any words changed?

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Dave Arnold <dwarnold@tesla.com>
Sent: Wednesday, June 20, 2018 11:36:44 PM
To: Harwell, Drew; Gina Antonini
Cc: Sarah O'Brien
Subject: Re: Hi from Washington Post

All Off the record (I'm sending from my phone so I apologize if the formatting is odd):

From: Elon Musk
Date: June 20, 2018 at 10:28:06 AM PDT
To: Marty Tripp
Subject: Re: Termination/Lawsuit

There are literally no injuries with Model 3. It is by far the safest car in the world for any midsize vehicle. And of course a company with billions of dollars in product is going to have millions of dollars in scrap. This is not news.

However, betraying your word of honor, breaking the deal you had when Tesla gave you a job and framing your colleagues are wrong and some come with legal penalties. So it goes. Be well.

On Jun 20, 2018, at 10:03 AM, Marty Tripp wrote:

I NEVER 'framed' anyone else or even insinuated anyone else as being involved in my production of documents of your MILLIONS OF DOLLARS OF WASTE, Safety concerns, lying to investors/the WORLD.

Putting cars on the road with safety issues is being a horrible human being!

On Jun 20, 2018, at 10:00 AM, Elon Musk wrote:

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On Jun 20, 2018, at 9:59 AM, Marty Tripp wrote:

I never made a threat. I simply told you that you have what's coming.

Thank you for this gift!!!!

On Jun 20, 2018, at 9:42 AM, Elon Musk wrote:

Threatening me only makes it worse for you

From: Marty Tripp
Date: June 20, 2018 at 8:57:29 AM
To: Elon Musk
Subject: Termination/Lawsuit

Don't worry, you have what's coming to you for the lies you have told to the public and investors.

From: Dave Arnold <dwarnold@tesla.com>
Sent: Wednesday, June 20, 2018 8:22 PM
To: Harwell, Drew; Gina Antonini
Cc: Sarah O'Brien
Subject: Re: Hi from Washington Post

Hi Drew - off the record, I'm not inclined to have the emails published or cited for obvious reasons but I will forward them to you off the record so you can see you've been lied to. By the way, it is a little concerning that you're giving us this pushback, yet have published literally everything this guy said verbatim without bothering to confirm any of it (and after giving us about 20 mins to respond). I'm sure you can appreciate that doesn't seem particularly fair to us. Btw, how exactly would Elon have this random former employee's personal email, such that he could email him out of the blue?

From: Harwell, Drew <Drew.Harwell@washpost.com>
Sent: Wednesday, June 20, 2018 8:12:43 PM
To: Dave Arnold; Gina Antonini
Cc: Sarah O'Brien
Subject: Re: Hi from Washington Post

Dave, thanks for this. If you ask us not to publish them, we have to treat that the same as information told to us off the record. We can pledge not to publish them if you send them, but can't promise that we'll alter the story if we're not able to cite them. If we can cite them, that'd allow us to get the truth out. Thanks for working with us on this, really want to get this right.

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Dave Arnold <dwarnold@tesla.com>
Sent: Wednesday, June 20, 2018 11:02:23 PM
To: Harwell, Drew; Gina Antonini
Cc: Sarah O'Brien
Subject: Re: Hi from Washington Post

Drew - off the record, Mr. Tripp lied to you. He emailed Elon first this morning after the lawsuit was filed saying "Don't worry, you have what's coming to you for the lies you have told to the public and investors." If I send the emails to demonstrate that so that you can update your story, do you agree they are not for publication?

From: Harwell, Drew <drew.harwell@washpost.com>
Sent: Wednesday, June 20, 2018 7:00 PM
To: Dave Arnold; Gina Antonini
Cc: Sarah O'Brien
Subject: Re: Hi from Washington Post

Our lawyers are discouraging us from running with the accusation without confirmation from the police, who we've called and emailed but have yet to hear from. It's an incendiary claim and that raises the bar for what we can publish without supporting evidence. As soon as we get that, we'll run with it. We're updated the story with your insight on background.

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Dave Arnold <dwarnold@tesla.com>
Sent: Wednesday, June 20, 2018 9:20:03 PM
To: Harwell, Drew; Gina Antonini
Cc: Sarah O'Brien
Subject: RE: Hi from Washington Post

Drew – respectfully, what are you talking about? You literally just published an entire article filled with unsubstantiated claims from this former employee.

From: Harwell, Drew <Drew.Harwell@washpost.com>
Sent: Wednesday, June 20, 2018 6:19 PM
To: Dave Arnold <dwarnold@tesla.com>; Gina Antonini <gantonini@tesla.com>

Cc: Sarah O'Brien <sobrien@tesla.com>
Subject: Re: Hi from Washington Post

Running it by our lawyers. Editors say we're unlikely to be able to cite it without supporting evidence. But I'll keep you updated on what I hear and include the other thoughts asap.

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Dave Arnold <dwarnold@tesla.com>
Sent: Wednesday, June 20, 2018 9:13:01 PM
To: Harwell, Drew; Gina Antonini
Cc: Sarah O'Brien
Subject: RE: Hi from Washington Post

You can paraphrase the background information and attribute it generally to Tesla. And the first part is an on-the-record statement from a Tesla spokesperson, so I'm not clear on why you can't use that.

From: Harwell, Drew <Drew.Harwell@washpost.com>
Sent: Wednesday, June 20, 2018 6:11 PM
To: Dave Arnold <dwarnold@tesla.com>; Gina Antonini <gantonini@tesla.com>
Cc: Sarah O'Brien <sobrien@tesla.com>
Subject: Re: Hi from Washington Post

Dave, thank you. That top statement is a huge claim. We can't report unsubstantiated claims like that. Can you support it? And can you make the background claims on the record? We can't include the rebuttals if they're not on the record. But I'd really like to be able to include the response.

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Dave Arnold <dwarnold@tesla.com>
Sent: Wednesday, June 20, 2018 9:01:20 PM
To: Harwell, Drew; Gina Antonini
Cc: Sarah O'Brien
Subject: RE: Hi from Washington Post

Drew – please see below. As always, moving forward we'd of course appreciate a bit more time to respond. Thanks.

Attributed to a Tesla spokesperson:

"This afternoon, we received a phone call from a friend of Mr. Tripp telling us that Mr. Tripp would be coming to the Gigafactory to 'shoot the place up.' Police have been notified and actions are being taken to enhance security at the Gigafactory."

On background:

After being caught hacking Tesla's confidential and trade secret information and transferring it to third parties, Mr. Tripp is now claiming he is a "whistleblower." He is nothing of the sort. He is someone who stole Tesla data through highly pernicious means and transferred that data to unknown amounts of third parties, all while making easily disprovable claims about the company in order to try to harm it. As for Mr. Tripp's false claims:

- Mr. Tripp grossly exaggerated the value and amount of scrap material at the Gigafactory. Relying on the internal data that he hacked from Tesla's manufacturing operations system, Tripp incorrectly stated that Tesla has generated nearly \$150 million in scrap at the Gigafactory in 2018. That number is wrong by more than a factor of two.
- Among other things, he included large quantities that were not scrap from 2018 at all, but that were instead items such as materials from last year that had already been included in Tesla's 2017 financials, or that were simply serial numbers assigned as part of routine system testing to components that were never even made.
- Mr. Tripp also admitted to Tesla's investigators that he does not actually know the value of the scrap that he assigned dollar values to. He just guessed.
- The scrap that Tripp claims is being stored unsafely could not possibly pose a safety risk. These pieces are kept in a temperature controlled room and are neither connected nor energized.
- No punctured cells were ever used in Model 3 vehicles in any way. In February 2018, a robot damaged some modules being produced at the Gigafactory, and a team was involved in identifying the scope of the damage. After conducting extensive testing, they threw out the punctured cells, confirmed the safety of the rest, and only then returned just those to the production line. If there was even a sliver of doubt about whether a cell could pose a safety concern, it was not used in any vehicle. Notably, there have been zero battery safety issues in any Model 3.
- With respect to Tripp's claiming that Tesla incorrectly reported the number of Model 3 vehicles produced at the end of Q1, literally thousands of people have ongoing access to the production numbers. It is updated in real-time on screens in the factory, plainly visible to anyone passing by. The claim that Tesla would report the wrong production number is ridiculous.
- On all of these issues, Tripp is either not telling the truth or he simply has no idea what he is talking about.

From: Harwell, Drew <Drew.Harwell@washpost.com>

Sent: Wednesday, June 20, 2018 5:59 PM

To: Dave Arnold <dwarnold@tesla.com>; Gina Antonini <gantonini@tesla.com>

Cc: Sarah O'Brien <sobrien@tesla.com>

Subject: Re: Hi from Washington Post

https://www.washingtonpost.com/news/the-switch/wp/2018/06/20/tesla-sues-former-employee-as-elon-musk-signals-hunt-for-saboteurs/?utm_term=.9269eaa5e94a

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Harwell, Drew
Sent: Wednesday, June 20, 2018 8:49:57 PM
To: Dave Arnold; Gina Antonini
Cc: Sarah O'Brien
Subject: Re: Hi from Washington Post

Sorry to leave you such little time. But it's a tight deadline and we didn't hear from him until late. Editors want to publish by 9pm ET. We can update the online version later or in the morning. I'll send you a link when it's online. Thanks

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Harwell, Drew
Sent: Wednesday, June 20, 2018 8:38:43 PM
To: Dave Arnold; Gina Antonini
Cc: Sarah O'Brien
Subject: Re: Hi from Washington Post

Tripp says he did not tamper with internal systems and is instead a whistleblower who spoke out after seeing "some really scary things" inside the company, including dangerously punctured batteries installed in cars.

He said he provided information to Business Insider for a story they did earlier this month about the company's raw-material waste.

But he said he did so because he was alarmed by what he learned while an employee, including what he claimed were hundreds of Model 3s that had punctured batteries.

Tripp said he did not hack into Tesla computers, saying, "I don't have the patience for coding." He also said he was not, as Tesla lawyers claimed, disgruntled about not getting a promotion. "That's their generic excuse," he said. "I could literally care less."

Tripp said he was interrogated at work last week and fired over the phone Tuesday by a human-resources representative. He said he learned of the lawsuit for the first time Wednesday.

Tripp said Musk emailed him shortly after the lawsuit was filed to say he was a horrible person. Tripp said he responded that Musk deserved what was coming.

Tripp said he left his previous job with a medical-device company and moved his family to Nevada to work for Tesla, believing it was "a golden opportunity. I looked up to Elon, I looked up to Tesla. I was always

drooling about the Teslas and wanting to buy one. And I was living the mission: to accelerate the world's transition to sustainable energy."

But he said he grew disillusioned after seeing the company's waste, unsustainable practices and "seeing how Elon was lying to investors about how many cars they were making." He added, "I wanted to leave the world better for my son. And I felt I was doing everything but that."

He said he did not share the information to hurt Tesla but to shine a light on potential dangers. He said he now believes Musk is a "narcissist" who "only cares about himself."

Any and all responses welcome. Call 202 355 3475. Posting very soon. Thanks.

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Dave Arnold <dwarnold@tesla.com>
Sent: Wednesday, June 20, 2018 8:34:20 PM
To: Harwell, Drew; Gina Antonini
Cc: Sarah O'Brien
Subject: RE: Hi from Washington Post

Drew – to be clear, were you planning to send those points through?

From: Harwell, Drew <Drew.Harwell@washpost.com>
Sent: Wednesday, June 20, 2018 4:52 PM
To: Dave Arnold <dwarnold@tesla.com>; Gina Antonini <gantonini@tesla.com>
Cc: Sarah O'Brien <sobrien@tesla.com>
Subject: Re: Hi from Washington Post

Hi all -

I've spoken with Martin Tripp and would appreciate your responses on some of his points. Thanks.

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Harwell, Drew
Sent: Wednesday, June 20, 2018 1:31:20 PM
To: Dave Arnold; Gina Antonini
Subject: Re: Hi from Washington Post

Hi Dave, Gina -

Any comment on the new lawsuit vs. Martin Tripp? Is Tripp who Elon was referencing as a saboteur in this emails? Are other lawsuits coming?

Elon tweeted, "There is more, but the actions of a few bad apples will not stop Tesla from reaching its goals. With 40,000 people, the worst 1 in 1000 will have issues. That's still ~40 people." Does Tesla or Elon think this employee and other "bad apples" are organized? Is Tesla currently looking for other threats or saboteurs?

Writing a short story so deadline is pretty soon. Thanks for the help.

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Harwell, Drew
Sent: Tuesday, June 19, 2018 7:21:59 PM
To: Dave Arnold; Gina Antonini
Subject: Re: Hi from Washington Post

Thank you both;just published online

Drew Harwell
Washington Post
@drewharwell
202.334.7918

From: Dave Arnold <dwarnold@tesla.com>
Sent: Tuesday, June 19, 2018 7:05:02 PM
To: Gina Antonini
Cc: Harwell, Drew
Subject: Re: Hi from Washington Post

Drew - on background, I also just want to reiterate what I said earlier which is that when it comes to the new general assembly line, we have all appropriate and approved fire and safety management protocols in place with the City.

From: Gina Antonini
Sent: Tuesday, June 19, 2018 4:01:09 PM
To: Dave Arnold
Cc: Harwell, Drew
Subject: Re: Hi from Washington Post

Hi Drew -

I just connected with Dave and wanted to share the following information with you. Mind keeping this all on background (not for quotation or attribution but can be paraphrased for your story)?

In our [May 2017 blog](#) [tesla.com], we said:
"Our goal is to have as close to zero injuries as humanly possible and to become the safest factory in the auto industry. We will get there by continuing to ask our employees to raise safety concerns and to keep proposing ideas that make things even better." I'd encourage you to review the blog if you haven't read it already.

In addition to making significant improvements to the build process of Model S and Model X, we designed Model 3 specifically with safety in mind. Our ergonomics team has worked hand-in-hand with our engineers

on the design process. As just one example, we created simulations that showed us where reaching or bending by employees was most likely to occur, which in turn allowed us to redesign the equipment and the car to eliminate these issues as much as possible.

Among other safety efforts, each department now has a Safety Team that meets regularly to increase safety awareness and recommend improvements, many of which have already been implemented. We are continuing to establish health and safety management procedures to scale with our operational growth.

Also, if you are planning to include a reference to previously reported OSHA charges, I'd refer you back to our previous statement:

"The injury rate at our Fremont factory is half what it was in the final years of the UAW plant operated by GM/Toyota immediately before us, and we care deeply about the safety and well-being of our people and strive to do better every day. Cal-OSHA is required to investigate any claims that are made, regardless of whether they have merit or are baseless (as we believe these are), and we always provide our full cooperation. Last year, a Cal-OSHA investigation into our injury reporting and record-keeping was closed without any violations found and without any further action taken. In fact, unlike other automakers who in the past have been cited by OSHA for record-keeping violations, we have never in the entire history of our company received a violation for inaccurate or incomplete injury record-keeping."

On Jun 19, 2018, at 3:14 PM, Dave Arnold
[dwarnold@tesla.com](mailto:<dwarnold@tesla.com>) wrote:

Drew –

Strictly off the record, I'll let you know if we have further comment or info to share, but some of these claims are highly questionable, at best. I've been in the factory a lot, and I have literally never once seen a part of the line where people are running to keep up with the cars. That sounds completely made up. Have you checked to verify any of this? Also, did anyone provide any evidence to back up the claim that there are concerns that vehicle quality/safety is being compromised? I would like to dig into this more, but you're effectively giving us next to no time do so.

Begin forwarded message:

From: "Harwell, Drew"
<Drew.Harwell@washpost.com>
Date: June 19, 2018 at
1:38:31 PM PDT
To: Gina Antonini
<gantonini@tesla.com>
Subject: Re: Hi from Washington Post

Hi Gina,

We've received the emails and will be writing a brief story today about them. Welcome any comment. Will also be including a few other points I'd welcome your response on:

Three Fremont factory workers told The Post that the accelerated Model 3 production has ramped up their work in a way they worry could quickly lead to injuries and possible car defects. "We're a NASCAR pit crew. ... We're doing this at the speed of light," one said.

Workers say the ramped-up demands have forced some inspectors to run with the cars as they roll down the assembly line. They said they want the company to succeed but worry the rush could compromise the cars' safety and lead to worker burnout, including for the workers in quality control who often perform achingly repetitive motions for ten-hour shifts.

One worker said he was worried about his body breaking down, but that he was afraid to raise his concerns with his supervisor amid ongoing Tesla layoffs.

We're quoting from the WARN Act notices and citing the active Cal/OSHA investigations.

We're also quoting from Elon's recent emails and from a Tesla watcher who said of

Musk: "He's always been combative" but "the public displays of paranoia have become increasingly odd. To me, they seem to reflect a level of anxiety or pressure that I haven't seen recently."

We're also quoting building permits for the tent on the factory grounds. The building permit shows that fire sprinklers were deferred, and that an electrical review raised questions about how the tent was "feeding all transformers and panels" with power. What are the safety policies in the tent? Who works there and how is it protected?

Also, how unusual is it to build cars in a tent? One source said, "I have literally never heard of any major manufacturer of any sort doing this, ever."

It's a tight deadline, but please let me know if you can help. Would be good to include company response. Thanks.

Drew Harwell
Washington Post
[@drewharwell](https://twitter.com/drewharwell)
202.334.7918

From: Gina Antonini
<gantonini@tesla.com>
Sent: Monday, June 18, 2018 7:08:38 PM
To: Harwell, Drew
Subject: Re: Hi from Washington Post

[EXTERNAL EMAIL]
Hi Drew - we don't have any comment here.
Thanks.

From:
Harwell
, Drew
<Drew.
Harwell
@wash
post.co
m>
Sent: M
onday,
June
18,
2018
3:31
PM
To: Kris
tina
Skinner
<krskin
ner@te
sla.com
>;
Sarah
O'Brien
<sobrie
n@tesl
a.com>;
Dave
Arnold
<dwarn
old@te
sla.com
>
Subject
: Hi
from
Washin
gton
Post

Hey
Kristina
, Sarah,
Dave -

Could
you
share a
copy
of this
email El
on sent
re: the
recent

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t fire?
And
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Drew
Harwell
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EXHIBIT 18

O'Brien

6/5/2019

Reported by: Michael P. Hensley
CSR 14114, RDR

From: Sarah O'Brien
Sent: Thursday, June 21, 2018 5:19 PM
To: Dave Arnold
Cc: Gina Antonini
Subject: Re: Martin Tripp Call

Yeah - I think we just ask people to remove her name (and give the context that she's a customer specialist - that the call went through to our customer

On Jun 21, 2018, at 5:08 PM, Dave Arnold <dwarnold@tesla.com> wrote:

Should we just remove her name and let people quote from it? Maybe I'm overthinking it, but I'm wondering if sharing only on background (as in they can only characterize it) will do us any good.

From: Sarah O'Brien
Sent: Thursday, June 21, 2018 4:56 PM
To: Dave Arnold <dwarnold@tesla.com>; Gina Antonini <gantonini@tesla.com>
Subject: Re: Martin Tripp Call

Hold - sorry, I sent you the wrong one.

I mean the other one. Still waiting to hear from Elon on this one.

On Jun 21, 2018, at 4:54 PM, Sarah O'Brien <sobrien@tesla.com> wrote:

Just to confirm - we can share this one on background with people.

From: Shamara Bell <shabell@tesla.com>
 Sent: Thursday, June 21, 2018 12:12 PM
 Subject: Martin Tripp Call
 To: Jeff Jones <jeff.jones@tesla.com>
 Cc: Angel Besinaiz <abesinaiz@tesla.com>

Hello Jeff,
 I was asked to email you to recap the phone call that i received yesterday regarding Martin Tripp. I answered the phone to a man that sounded genuinely concerned & afraid. He explained that he is a very close friend of an ex-employee of Tesla that was fired recently. Explained that he fears for the safety of employees at the battery (Giga Factory) because of he is extremely volatile. Stated that he is very well heavily armed . Stated that he is extremely upset more -so now because his name was released in the media this past weekend.

****at that point i placed him on hold to recap with my supervisor who advised that i gather additional information****

A co-worker advised me of the Martin Tripp story that broke, so i asked if he was referring to Martin Tripp when i returned to the line. He confirmed that he was referring to Martin.

I commended him for being brave enough to make the call to us. I asked if he would like to provide his name or any contact information so that we can gather additional information if needed. He declined because he says that he doesn't want to be involved in this matter with his friend but doesn't want anyone to get hurt. I thanked him for the incident report & reported to my supervisor who assisted with escalating this information to appropriate parties.

I hope this information was helpful.

Kindest Regards,

Shamara Bell

EXHIBIT 19

O'Brien

6/5/2019

Reported by: Michael P. Hensley
CSR 14114, RDR



Begin forwarded message:

From: Julia Wong <julia.wong@theguardian.com>
Subject: Re: Query re: Martin Tripp and your emails
Date: June 21, 2018 at 9:24:22 AM PDT
To: "Sarah O'Brien" <sobrien@tesla.com>
Cc: Elon Musk <erm@tesla.com>, Dave Arnold <dwarnold@tesla.com>, Press <press@tesla.com>

Hi Sarah,

Checking in again to see if you can provide any more details on this phone call from a friend of Tripp about a shooting threat at the Gigafactory. The Sheriff's department has determined that there was "no credible threat". Does Tesla know who made the call?

Thanks,

Julia

On Wed, Jun 20, 2018 at 6:48 PM, Sarah O'Brien <sobrien@tesla.com> wrote:

Hi Julia,

Just to confirm, as you can see from the thread shared below, Elon did not send the first email.

Thanks,
Sarah

On Jun 20, 2018, at 6:16 PM, Julia Wong <julia.wong@theguardian.com> wrote:

Hi Elon,

I am very concerned at the idea that there has been a threat made against Tesla or workers at the Gigafactory, and I hope that you all are safe. I would like to know

more about this call. Can you tell me who received this phone call? Did the tipster identify themselves by name? Or just as a friend of Tripp's? Did the threat seem credible? Can you tell me which law enforcement agency you alerted and the name of the officer you spoke with?

Tripp says that you emailed him first, at his personal account, and called him an awful person, and that his response, that you "have what's coming to you" was not intended as a threat. If this is untrue and he emailed you first, please let me know.

Thanks,

Julia

On Wed, Jun 20, 2018 at 5:29 PM, Elon Musk <erm@tesla.com> wrote:
Tripp sent me a threatening email this morning. Below is the exchange. I was just told that we received a call at the Gigafactory that he was going to come back and shoot people. The police have been alerted and we have posted additional security. Our comms team can fill you in.

----- Original message -----

From: Elon Musk <erm@tesla.com>
Date: 6/20/18 5:17 PM (GMT-08:00)
To: Todd Maron <todd@tesla.com>, Sarah O'Brien <sobrien@tesla.com>
Cc: EMDesk <emdesk@tesla.com>
Subject: Re: Termination/Lawsuit

Meant to say "no injuries"

On Jun 20, 2018, at 5:16 PM, Elon Musk <erm@tesla.com> wrote:

Begin forwarded message:

From: Elon Musk
<erm@tesla.com>
Date: June 20, 2018 at 10:28:06
AM PDT
To: Marty Tripp
<martytripp@icloud.com>
Subject: Re:
Termination/Lawsuit

There are literally injuries with Model 3. It is by far the safest car in the world for any midsize vehicle. And of course a company with billions of dollars in product is going to have millions of dollars in scrap. This is not news.

However, betraying your word of honor, breaking the deal you had when Tesla gave you a job and framing your colleagues are wrong and some come with legal penalties. So it goes. Be well.

On Jun 20, 2018, at
10:03 AM, Marty
Tripp
<martytripp@icloud.com> wrote:

I NEVER 'framed'
anyone else or even
insinuated anyone
else as being
involved in my
production of
documents of your
MILLIONS OF
DOLLARS OF
WASTE, Safety
concerns, lying to
investors/the
WORLD.

Putting cars on the
road with safety
issues is being a
horrible human
being!

On
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On Jun 20, 2018, at 9:59 AM, Martyn Tripp <martyn.tripp@icloud.com>

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On Jun 20, 2018, at 4:38 PM, Julia Wong <julia.wong@theguardian.com> wrote:

Hi Elon,

The Guardian is planning to publish an article shortly about Tesla's lawsuit against Martin Tripp. Tripp has acknowledged to the Guardian that he was a source for a Business Insider reporter, but denies any implication that he was a saboteur, or that he hacked Tesla's MOS. Instead, Tripp claims that he went to the media after making numerous attempts to raise concerns about

excess NCM, scrap, and other issues like punctured batteries, and being ignored.

Do you or Tesla want to comment on Tripp's claim that he was acting as a whistleblower?

And do you want to add any comment to the emails you sent to Tripp's personal account today, calling him a "horrible human being", among other things. Why did you decide to email Tripp after you had already fired and sued him?

Feel free to give me a call at 646-935-9101 if you'd like to discuss anything by phone.

Thanks,

Julia

--
Julia Carrie Wong
Reporter
Guardian News & Media

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